

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TIMOTHY BREMER, Individually and on
behalf of all others similarly situated,

Plaintiff,

V.

SOLARWINDS CORPORATION, KEVIN
B. THOMPSON, and J. BARTON KALSU,

Defendants.

Civil Action No: 1:21-cv-00002-RP

DANIEL AZPURUA, Individually and on
behalf of all others similarly situated,

Plaintiff,

V.

SOLARWINDS CORPORATION, KEVIN
B. THOMPSON, and J. BARTON KALSU,

Defendants.

Civil Action No: 1:21-cv-00047-RP

NEW YORK CITY DISTRICT COUNCIL
OF CARPENTERS PENSION FUND, on
behalf of itself and all others similarly
situated,

Plaintiff,

V.

SOLARWINDS CORPORATION, KEVIN
B. THOMPSON, and J. BARTON KALSU,

Defendants.

Civil Action No: 1:21-cv-00138-RP

**JOINT STIPULATION REGARDING DEFENDANTS’
DEADLINE TO ANSWER OR OTHERWISE RESPOND TO
PLAINTIFFS’ COMPLAINTS AND SUBSEQUENT AMENDMENT**

Defendants SolarWinds Corporation, Kevin B. Thompson, and J. Barton Kalsu (collectively, “Defendants”) and Plaintiff Timothy Bremer, Plaintiff Daniel Azpurua, and Plaintiff New York City District Council of Carpenters Pension Fund, on behalf of themselves and all others similarly situated (collectively, “Plaintiffs,” and together with Defendants, the “Parties”), by and through their undersigned counsel, hereby agree, stipulate, and respectfully request that the Court enter an order vacating Defendants’ deadline to answer or otherwise respond to Plaintiffs’ Complaints. Further, the Parties agree that within 10 days of the entry of an order consolidating the above-captioned actions and appointing lead plaintiff and lead counsel, Defendants’ counsel will consult with lead counsel on a proposed schedule for the filing of a consolidated complaint and Defendants’ time to respond to the consolidated complaint. Defendants and the Court-appointed lead plaintiff will then submit the proposed schedule to the Court for its consideration. In support thereof, the Parties respectfully state as follows:

1. On January 4, 2021, Plaintiff Timothy Bremer filed an action, individually and on behalf of all others similarly situated, against Defendants, alleging violations of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder.
2. On January 14, 2021, Plaintiff Daniel Azpurua filed a substantially similar action, individually and on behalf of all others similarly situated, against Defendants, alleging violations of the Exchange Act and Rule 10b-5 promulgated thereunder.
3. On February 9, 2021, Plaintiff New York City District Council of Carpenters Pension Fund filed a third substantially similar action, on behalf of itself and all others similarly situated, against Defendants, alleging violations of the Exchange Act and Rule 10b-5 promulgated thereunder.

4. The above-captioned actions are governed by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.* (the “PSLRA”), which provides that not later than 20 days after the date on which the first complaint is filed, (i) the plaintiff shall publish a notice advising members of the purported plaintiff class, (ii) that not later than 60 days after the date on which the notice is published any member of the purported class may move the Court to serve as lead plaintiff, and (iii) that not later than 90 days after the date on which notice is published the Court shall appoint the “most adequate plaintiff” as lead plaintiff for the class.

5. On January 4, 2021, counsel for Plaintiff Timothy Bremer published notice, pursuant to the PSLRA, 15 U.S.C. § 78u-4(a)(3)(A)(i), alerting investors to the pendency of the action and the March 5, 2021 deadline for seeking appointment as lead plaintiff.

6. The above-captioned actions are related and pending in the Western District of Texas before this Court. The Parties anticipate that the above-captioned actions will be consolidated given that the allegations and claims are substantially similar and there are shared Parties. It is customary in securities class action cases under the PSLRA for the appointed lead plaintiff to file a consolidated complaint.

7. Undersigned counsel for Defendants is authorized to and hereby accepts and waives service of the summons and complaint in each of the above-captioned actions on behalf of each of the foregoing Defendants while expressly preserving all other defenses except as to sufficiency of service of process.

PRAYER

For the reasons set forth above, Plaintiffs and Defendants respectfully request the Court enter an order reflecting the Parties’ stipulation, as well as all additional relief which the Court deems appropriate.

Dated: February 16, 2021

Respectfully submitted,

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***Counsel for Plaintiff New York City District
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CERTIFICATE OF CONFERENCE

I hereby certify that on February 16, 2021, I conferred with counsel for Plaintiffs regarding the contents of this filing. Counsel for Plaintiffs agreed to the relief requested in this filing.

Paul R. Bessette

Paul R. Bessette

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed on February 16, 2021 with the Court using the CM/ECF system, which will send a notice of filing to all attorneys of record.

Paul R. Bessette

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